



MINUTES
SPECIAL CITY COUNCIL MEETING
November 13, 2020

CALL TO ORDER

The meeting was called to order at 12:12 pm.

Due to the COVID-19 health pandemic, the Long Lake City Council attended the meeting telephonically pursuant to Minn. Stat. 13D.021.

Present: Mayor: Charlie Miner; Council: Deirdre Kvale, Jahn Dyvik, and Tom Skjaret

Staff Present: City Administrator: Scott Weske (in person); and City Clerk: Jeanette Moeller (in person)

Absent: Council: Michelle Jerde (with prior notice)

Resolution Electing to Participate in the Local Housing Incentives Account Program Under the Metropolitan Livable Communities Act (Required to Maintain LCA Grant Eligibility)

Miner commented that the City Council had previously received informational materials for this agenda item, has had a chance to review materials, and he welcomed Council question and comment.

Council member Dyvik referenced the Powerpoint presentation regarding the program that had been included in the Special Meeting packet, and said it had helped him understand the program. He questioned whether the affordable housing and life cycle housing goals identified in the packet were consistent with the City's Comprehensive Plan.

Weske explained that the agenda materials had been prepared by the City's planning consultant, and the Comprehensive Plan is more focused on identifying areas that may have opportunity to turn over and accommodate higher density. The LCA grant program differs, and if a developer is looking for subsidies and a grant application is made, housing to be developed would need to go towards the affordable housing and life cycle housing goals. Weske confirmed he believed the Virginia Avenue townhome project or Zvago would likely qualify as life cycle housing.

Council member Dyvik noted that it was helpful to see the slide in the presentation pack showing that of the whole Twin Cities seven county metropolitan area, nearly all communities are participating.

Council member Kvale stated that she had questions about the legality of noticing the special meeting, referencing that it was noticed after business hours on Tuesday and to her that would not represent a full three days, asked if noticed had been posted at the post office that evening, and stressed the importance of being transparent to the public.

Weske confirmed that staff had driven in the snowstorm to post the notice at the post office on Tuesday evening following the Council meeting.

Council member Kvale voiced continued concern that she did not believe notice followed process, questioned whether the City Attorney had been consulted, and inquired why the amended agenda item had not been called out at the last meeting. She reiterated the importance of transparency and opportunity for public comment.

Weske indicated that the notice requirement requires three day notice rather than a 72 hour window. He noted that when the amended agenda had been sent out prior to the Tuesday meeting, the added item should have been mentioned through Mayoral process recognizing it during approval of the meeting agenda.

Mayor Miner read aloud statute regarding posting notice of special meetings which also states that notice of special meetings must be posted at least three days before a meeting, with agendas mailed to those who have requested they be sent to them. He observed that the statute doesn't mention hours, it only states "three days".

Weske affirmed that notice was posted in all posting locations as well as emailed out on City Listserv on Tuesday evening.

Dyvik raised the example of the "slow-no wake" period, which is in effect based on three days of high water rather than 72 hours.

Council member Skjaret reflected that the reason the Council didn't act on the agenda item Tuesday night was to allow for the special meeting agenda to be noticed so anyone with objections or questions could participate.

Council and staff continued to discuss the notice requirement as well as the LCA program and eligibility for grant opportunities.

Mayor Miner referenced further language and guidance he had found on the League of MN Cities website related to notice requirements, stating that when calculating the number of days, if a special meeting is for Thursday, notice has to be posted by Monday. Similarly, if a meeting is to be held on a Monday, notice must be given by Friday. Given the examples, notice would have to be posted on Tuesday at the latest for a Friday meeting. He believed requirements were followed. He pointed out that the draft resolution electing to participate in the program mentions cleanup funding grant opportunities as well. Council member Skjaret added that cleanup grant eligibility may be important depending on the future use of the former BP station property. The potential for contamination in the Virginia Avenue area was also mentioned.

Council and staff discussed the requirement to adopt a housing policy referenced in the approving resolution, and the timeline for doing so by June 2021.

Weske noted that the affordable housing and life cycle goals in the resolution are voluntary, versus the Comprehensive Plan in which Metropolitan Council requires the City account for meeting added density requirements.

Council member Dyvik, Council member Skjaret, and Mayor Miner expressed comfortability in voting on the action item.

A motion was made by Skjaret, seconded by Miner, to adopt Resolution No. 2020-38 electing to participate in the Local Housing Incentives Account Program under the Metropolitan Livable Communities Act, in order for the City to become eligible to apply for Livable Communities funding

during calendar years 2021-2030. Ayes by roll call: Dyvik, Skjaret, and Miner. Nay by roll call: Kvale. Motion carried.

Mayor Miner mentioned that the Council's next meeting will be on the Tuesday before the Thanksgiving holiday.

Council member Dyvik asked whether any interest had been expressed regarding the City-owned former BP station site.

Weske informed Council that he had heard from two potential interested parties who may make applications for EDA review in the coming months. That in mind, it will be good for the EDA to have their discussion on what their goals are for the site so staff will be able to offer better guidance to interested parties. He added that the EDA will also need to discuss purchase price for the property, and noted that though TIF has not really been considered in relation to the site, it would be hard for a project at the property to meet the "but for" test to qualify for TIF. He indicated he would not want to go too far down the path of discussing financing assistance options without the EDA having met to discuss use of the site.

Council member Dyvik commented on the pending Zvago project, noting he understood that process was going slowly because a certain number of units must be pre-sold before moving forward.

Weske stated that although the developer has been working hard on their Superior project location as well as working through their application for The Borough project, he is anticipating a building permit application for Zvago will be coming. He reported that Lifestyle Communities will be dropping off their land use application for final plat for The Borough this afternoon.

ADJOURN

Hearing no objection, Mayor Miner adjourned the Special City Council meeting by general consent at 12:45 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk